File No.HOM01-POLC0DGPE(SMPP)/135/2020-SER-I
GO RT/1409/2023/HOM01-Home

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Home Department - Revision Petition/ representation of Sri B.Subba Rao, (f) IoP, Bhimavaram Town - Govt. reduced the penalty of "dismissal from service" and treating the suspension period from 19.11.2006 to 02.03.2007 and out of employment period as "Not on Duty"- Re-examined - orders modified - Revision Petition / representation rejected - Orders - Issued.

HOME (SERVICES-I) DEPARTMENT

G.O.MS.No. 206 Dated: 4/12/2023

Read the following:-

1. From the DGP, AP, Lr.No.64/T1/2016, dated.28.03.2016.
2. Rep of Sri B.Subba Rao, IOP, (f) at Bhimavaram Town, dt:17.06.2019
3. G.O.Ms No.122, Home (Services.1) Dept.Dt:26.09.2019
4. From the DGP, AP, Lr.Rc.No.936/T1/2019, dated:01.04.2020.
5. Orders of the Hon'ble APAT dated Dt:02.04.2018 in O.A. No.4379/2015
6. G.O.Ms No.08, Home (Ser.1) Dept.Dt:29.01.2021.

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ORDER:

In the reference 1st read above, the Director General of Police, Andhra Pradesh has stated that Sri B. Subba Rao, Ex. Inspector of Police, (f) Bhimavaram Town, W.G. District, was given a major charge, under Rule 20 of the APCS (CC&A) Rules, 1991, vide C.No.1331/P/2006, dt. 11.02.2007 for the following delinquency:-

Article.I: The Charged Officer during his tenure as Inspector of Police, Bhimavaram Town Circle had not visited Bhimavaram II Town PS or drawn visiting notes since his joining at Bhimavaram Town Circle on 22.10.2005. He had not gone through the CD files of Police Stations of Bhimavaram Circle ever since his joining at the circle and did not bother to dispatch Case Diaries to the Office of the SDPO, Narsapur or District Police Office, Eluru. The Inspector of Police admitted the above facts during the enquiry of the CID authorities in missing case of Sri K.V. Gangadhar, r/o. Pedakapavaram(V), Akividu (M), W.G. District.

Article.II: The Charged Officer exhibited reprehensible conduct in collecting an amount of Rs.6,00/- from the management of Chaitanya College, Bhimavaram, an amount of Rs.11,000/- from the proprietor of Shyam Sales of Sundary Market, Bhimvaram in connection with the Police Commemoration Day without giving any Commemoration Flags to them. He also collected huge amounts from different business personalities in the name of organizing cricket match between DIG's team Vs MLA's team at Bhimavaram, which actually was not conducted.

Article.III: "For exhibiting reprehensible conduct in registering a case in Cr.No.25/2006, u/s.376, 366(A) and 506(2) IPC of Bhimavaram II Town PS at the instance of the Charged Officer by wrongly showing the scene of offence as at Bhimavaram II Town PS, though it was actually taken place at Chinapet which comes under the limits of Bhimavaram I Town PS limits. Further the above case was wrongfully registered against one Chandu of

Vizianagaram, Raju of Nellore and mother of Raju and they were arrested by the Charged Officer, without arresting the main accused A1 to A10 in the above case.

2) The Addl. SP (Admn), Rajahmundry Urban Police District, Rajahmundry who was appointed as Enquiry Officer to conduct the oral enquiry against the Charged Officer, has concluded that the charge (i) & (ii) as proved and charge (iii) as not proved against the Charged Officer.

3) After following due procedure the DIG, Eluru Range, Eluru has imposed the punishment of "Dismissal from service" treating the suspension period from 19.11.2006 to 02.03.2007 as 'Not Duty' against the Charged Officer Sri B. Subba Rao vide proceedings C.No.09/OE-PR/2007, dt.07.02.2014. His appeal petition was rejected by the Inspector General of Police, North Coastal Zone, Hyderabad. The Revision Petition of Sri B. Subba Rao was also rejected vide Govt. Memo Govt. Memo.No.16(P)/Ser.I/A1/2016, Home (Ser.I) Department, dated 16.05.2016

4). In the reference 2nd read above, Sri B.Subba Rao, has filed another representation to the Government and requested to set-aside the punishment imposed against him on the grounds submitted therein and to reinstate him into service.

5) In the reference 3rd read above, Government have issued orders to modified the punishment of "Dismissal from service " to that of "Reduction of Time Scale of pay three(3) stages" duly reinstating into service with immediate effect and treating the suspension period from 19.11.2006 to 02.03.2007 and out of employment period as "Not on Duty".

6) In the reference 4th read above, the DGP, AP has informed that, the charged officer dismissed from service was for violation of perfunctory investigation in the missing case, reprehensible conduct in collecting amount, and wrongly registering a case in Cr.No.25/2006, hence the orders of the Government vide G.O. Dt:26.09.2019 cannot be considered, as it appears to be on erroneous consideration and requested the government to re-examine the Government orders once again as per the existing rules in force.

7). In the reference 5th read above, the A.P. Administrative Tribunal has in its orders orders Dt:02.04.2018 in O.A. No.4379/2015 has ordered as follows:

"It is contended by the applicant counsel that penalty of dismissal imposed on the applicant is highly disproportionate to the charges found proved against him. Charges, more particularly Charge No.2 relates to corruption which is touching moral turpitude of the applicant. Therefore, it cannot be said that penalty of Dismissal imposed by the disciplinary authority is in any way disproportionate to gravity of the charges proved against the applicant. The respondents relied upon G.O.Ms No.458, General Administration (Services') Department Dated:22.09.2009 wherein Rule 9 of the Andhra Pradesh Civil Service(CC&A0 Rules, 1991 was amended by introducing provision to the effect that in all proved cases of corruption, moral turpitude etc., penalty of dismissal from service shall be imposed. Thus the applicant fails on all points. In the result, the Original

Application is dismissed. Miscellaneous application is ordered".

8) In the reference 5th read above, Government have kept G.O.Ms No.122, Home (Ser.I) Dept., Dt:26.09.2019 in abeyance wherein the orders were issued to modified the punishment of "Dismissal from Service" to that of "Reduction of Time Scale of pay three(3) stages".

9) Government after carefully examining the matter hereby cancel the orders issued in G.O.Ms NO.122, Home (Services.1) Dept. Dt:26.09.2019 and reject the Revision petition/representation of Sri B. Subba Rao, f) IoP, Bhimavaram Town, since it is time barred as per Rule 40(ii) of CCA Rules, 1991.

10) The Director General of Police, Andhra Pradesh is requested to take necessary further action accordingly in the matter.

Harish Kumar Gupta Ips
Principal Secretary To Government

To
The Director General of Police, Andhra Pradesh, Mangalagiri,
Guntur District.
The individual concerned (through the Director General of Police,
Andhra Pradesh)
Copy to
The OSD to Min (home)
the Secry to APVC.
SF/SC.